

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:

THE ART INSTITUTE OF PHILADELPHIA
LLC, *et al.*,¹

Debtors.

GEORGE L. MILLER, Chapter 7 Trustee,

Plaintiff,

v.

TODD S. NELSON, JOHN R. McKERNAN,
SAMUEL C. COWLEY, EDWARD WEST,
MARK A. McEACHEN, FRANK JALUFKA,
J. DEVITT KRAMER, MARK NOVAD, JOHN
DANIELSON, AND MICK BEEKHUIZEN,

Defendants.

Chapter 7

Case No. 18-11535 (LSS)

(Jointly Administered)

Adv. No. 20-50627 (LSS)

**MOTION TO DISMISS OF
DEFENDANTS JOHN DEVITT KRAMER AND MARK NOVAD**

Defendants John Devitt Kramer and Mark Novad (the “**Defendants**”) hereby move to dismiss (this “**Motion**”) the Complaint [Adv. Docket. No. 1] (the “**Complaint**”) filed by plaintiff George L. Miller, as Chapter 7 Trustee for the Debtors’ bankruptcy estates, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, made applicable to this adversary proceeding by Rule 7012(b) of the Federal Rules of Bankruptcy Procedure. In support of the Motion, the Defendants incorporate by reference the accompanying opening brief, filed contemporaneously herewith.

¹ See footnote 1 of Complaint (as defined below) for a complete list of debtors (the “**Debtors**”) in the above-captioned jointly-administered chapter 7 cases.

Pursuant to Rule 7012-1 of the Local Rules of Bankruptcy Practice and Procedure of the United States Bankruptcy Court for the District of Delaware, the Defendants do not consent to the entry of final judgment by the Court.

WHEREFORE, the Defendants respectfully request that the Court enter an order, substantially in the form attached hereto as **Exhibit A**, granting the Motion, dismissing the Complaint, and granting such other and further relief as the Court deems just and proper.

[Signature Page Follows]

Dated September 14, 2020

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